

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
ALDO VERA, JR., as Personal Representative of
the Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant,

v.

RBS CITIZENS, N.A.,

Garnishee.
-----X

12 Civ. 1596 (AKH)
ECF

NOTICE OF CROSS-MOTION FOR A STAY


PLEASE TAKE NOTICE that upon the annexed Declaration of Hayward H. Smith dated March 15, 2013, the accompanying Memorandum of Law in Opposition to Plaintiff's Motion for Turnover and in Support of RBS Citizens, N.A.'s Cross-Motion for a Stay dated March 15, 2013, and all other papers and proceedings herein, and also for the reasons and based on the authorities set forth in the papers filed by Intesa Sanpaolo S.P.A. in response to the turnover motion that plaintiff filed against that bank (Docket Nos. 87-89), RBS Citizens, N.A will move the Honorable Alvin K. Hellerstein, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order:

- (a) staying any turnover proceedings by the plaintiff against RBS Citizens, N.A.
pending a determination of directly relevant and dispositive issues that are *sub*

judice before the United States Court of Appeals for the Second Circuit pursuant to the Court's inherent authority to stay litigation;

(b) granting such other and further relief as the Court may deem just and proper, including, without limitation and as appropriate, a denial of the motion without prejudice if on procedural grounds and with prejudice if on the merits.

Dated: New York, New York
March 15, 2013

By: 
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